

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2019 JUL 11 PM 12:31

PROGRESSIVE MOUNTAIN INSURANCE)
COMPANY,)

Plaintiff,)

v.)

CASE NO. CV419-166

NUMBERS ENTERPRISE, LLC;)
STANLEY J. SMART; B&N TRUCKING,)
INC.; TRU BLU TRUCKING, LLC;)
PRAETORIAN INSURANCE COMPANY;)
SCOTT & SONS TRUCKING, LLC;)
KINDER MORGAN, INC.; SOUTHERN)
LNG COMPANY, LLC; SOUTHERN)
LIQUEFACTION CO, LLC; ELBA)
LIQUEFACTION COMPANY, LLC; IHI)
E&C INTERNATIONAL COMPANY;)
JAMES MOORE; and PATRICK)
STYBLO, Individually and as the)
Court-Appointed Personal)
Administrator of the Estate of)
Patrick Glisson;)

Defendants.)

O R D E R

The party invoking this Court's diversity jurisdiction bears the burden of adequately pleading complete diversity. See 28 U.S.C. § 1332; Ray v. Bird & Son Asset Realization Co., 519 F.2d 1081, 1082 (5th Cir. 1975)¹ ("The burden of pleading diversity of citizenship is upon the party invoking federal

¹In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

jurisdiction, and if jurisdiction is properly challenged, that party also bears the burden of proof."). For the purposes of diversity jurisdiction, a limited liability company ("LLC") is a citizen of every state in which any of its members are citizens. Rolling Greens MHP, LP v. Comcast SCH Holdings LLC, 374 F.3d 1020, 1021-22 (11th Cir. 2004). The Eleventh Circuit Court of Appeals has been explicit in addressing the proper method to allege sufficiently the citizenship of a LLC: "a party must list the citizenships of all the members of the limited liability company." Id. at 1022.

In this case, Plaintiff's complaint does not include a list of the individual members, along with their citizenships, of Defendants Numbers Enterprise, LLC; Tru Blu Tracking, LLC; Scott & Sons Trucking, LLC; Southern LNG Company, LLC; Southern Liquefaction Co., LLC; and Elba Liquefaction Company, LLC. Instead, the complaint merely alleges the state laws under which each entity is organized and where each entity maintains its principal place of business. (Doc. 1.) As discussed above, this is not sufficient to establish complete diversity. Accordingly, Plaintiff is **DIRECTED** to file an amended complaint within fourteen days from the date of this

order listing all members of every Defendant LLC and their citizenships.²

SO ORDERED this 11th day of July 2019.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

² The Court will not accept any amended complaint that incorporates by reference any factual allegation or argument contained in an earlier filing, or offers only a piecemeal amendment. Plaintiff's amended complaint should be a stand-alone filing that independently contains all the factual allegations necessary to establish diversity between the parties.